

1 DEVERIE J. CHRISTENSEN, ESQ.
Nevada Bar No. 6596
2 JOSHUA A. SLIKER, ESQ.
Nevada Bar No. 12493
3 **JACKSON LEWIS P.C.**
300 South Fourth Street, Suite 900
4 Las Vegas, Nevada 89101
Telephone: (702) 921-2460
5 Facsimile: (702) 921-2461
Email: deverie.christensen@jacksonlewis.com
6 Email: joshua.sliker@jacksonlewis.com

7 *Attorneys for Defendant*
Ramparts, LLC.

8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 BRYANT LECHUGA,
11 Plaintiff,

12 vs.

13 RAMPARTS, LLC, a Nevada Limited Liability
14 Company; DOES I-X; and ROE Business
Entities I-X,
15 Defendants.

Case No. 2:19-cv-01731-APG-BNW

**AMENDED DISCOVERY PLAN AND
SCHEDULING ORDER**

**SPECIAL SCHEDULING REVIEW
REQUESTED PURSUANT TO LR 26-
1(a)**

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17 In accordance with the Court's Order granting the parties' stipulation to stay this case until
18 June 22, 2020 (ECF No. 27), Defendant RAMPARTS, LLC ("Defendant"), by and through its
19 counsel Jackson Lewis P.C., and Plaintiff Bryant Lechuga ("Plaintiff"), by and through his counsel
20 Kemp & Kemp, submit the following Amended Discovery Plan and Scheduling Order and
21 stipulate as follows:

22 **Special Scheduling Requested**

23 Special scheduling is requested to commence the 180-day discovery period from June 29,
24 2020—the deadline to file the instant Amended Discovery Plan and Scheduling Order (ECF No.
25 27), rather than the date on which Defendant filed its Answer to Plaintiff's original state court
26 complaint, on October 9, 2019 (ECF No. 9).

27 Plaintiff filed his complaint in state court and summons were issued on September 11,
28 2019. ECF No. 1. Defendant Ramparts and previously named Defendant MGM Resorts

1 International removed the case to this Court on October 4, 2019. ECF No. 1. On October 9, 2019,
 2 previously named Defendant MGM Resorts International filed a Motion to Dismiss Plaintiff's
 3 Complaint (ECF No. 8) and Defendant Ramparts filed an answer to Plaintiff's state court
 4 complaint (ECF No. 9). On October 23, 2019, Plaintiff filed a First Amended Complaint in this
 5 Court no longer naming MGM Resorts International as a Defendant and amending some of the
 6 allegations in the First Amended Complaint against remaining Defendant Ramparts (ECF No. 13).
 7 Plaintiff also filed an Opposition to the Motion to Dismiss (ECF No. 14).

8 On October 28, 2019, the Court denied the Motion to Dismiss as moot considering
 9 Plaintiff's filing of the First Amended Complaint. ECF No. 15. Defendant Ramparts filed its
 10 Answer to Plaintiff's First Amended Complaint, on November 6, 2019. ECF No. 17. The parties
 11 submitted the Stipulated Discovery Plan and (Proposed) Scheduling Order on November 19, 2019
 12 (ECF No. 20) which the Court approved the following day (ECF No. 21).

13 On March 23, 2020, the parties stipulated to stay case until May 22, 2020 due to the
 14 COVID-19 pandemic and closure of Defendant's business. ECF Nos. 24 and 26. Subsequently, on
 15 May 5, 2020, the parties stipulated to extend the stay until June 22, 2020. ECF Nos. 25 and 27.

16 All parties of record participated in the meeting required under Fed. R. Civ. P. 26(f) on
 17 June 29, 2020. Pursuant to Fed. R. Civ. P. 26(f) and LR 26-1(e), the parties hereby stipulate to the
 18 following discovery plan and scheduling order, with a 180-day discovery period commencing on
 19 June 22, 2020.

20 **Stipulated Discovery Plan**

21 Pursuant to Fed. R. Civ. P. 26(f) and LR 26-1(e), the parties do hereby stipulate to the
 22 following discovery plan and scheduling order.

23 1. **Initial Disclosures:** The initial disclosures to be made pursuant to Fed. R. Civ. P.
 24 26(a)(1) shall be made by **December 3, 2019**. This date is unchanged from the original Discovery
 25 Plan and Scheduling Order. ECF No. 21.

26 2. **Discovery Cut-Off Date(s):** Discovery will take 180 days, measured from
 27 November 6, 2019, which is the date of the 26(f) Conference. This means all discovery must be
 28 commenced in time to be completed by **December 28, 2020**. The 180-days falls on Saturday,

1 December 26, 2020 and as such, the deadline has been advanced to the next business day.

2 3. **Interim Status Report:** The interim status report may be filed no later than
3 **October 29, 2020**, which is not later than sixty (60) days before the discovery deadline.

4 4. **Amending the Pleadings and Adding Parties:** The last day to file motions to
5 amend pleadings or to add parties is **February 4, 2020**. This date is unchanged from the original
6 Discovery Plan and Scheduling Order. ECF No. 21.

7 5. **Fed. R. Civ. P. 26(a)(2) Disclosures (Experts):** The disclosure of experts and
8 expert reports shall occur by **October 29, 2020**, which is not later than sixty (60) days before the
9 discovery deadline. Disclosure of rebuttal experts and their reports shall occur by **November 30,**
10 **2020**, which is thirty (30) days after the date of initial disclosure of experts.

11 6. **Dispositive Motions:** Dispositive motions may be filed no later than **January 27,**
12 **2021**, which is thirty (30) days after the discovery deadline. In the event that the discovery period
13 is extended from the discovery cut-off date set forth in this Joint Discovery Plan and Scheduling
14 Order, the date for filing dispositive motions shall be extended for the same duration, to be no later
15 than thirty (30) days from the subsequent discovery cut-off date.

16 7. **Pretrial Order:** The pretrial order shall be filed by **February 26, 2021**, which is
17 not later than thirty (30) days after the date set for filing dispositive motions. In the event
18 dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until
19 thirty (30) days after the decision of the dispositive motions or until further order of the Court. In
20 the further event that the discovery period is extended from the discovery cut-off date set forth in
21 this Joint Discovery Plan and Scheduling Order, the date for filing the joint pretrial order shall be
22 extended in accordance with the time period set forth in this paragraph.

23 8. **Fed. R. Civ. P. 26(a)(3) Disclosures:** The disclosures required by Fed. R. Civ. P.
24 26(a)(3), and any objections thereto, shall be included in the pretrial order.

25 9. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** In
26 accordance with Local Rule 26-4, a stipulation or motion for modification or extension of this
27 discovery plan and scheduling order and any deadline contained herein, must be made not later
28 than twenty-one (21) days before the subject deadline.

1 10. **Later Appearing Parties:** A copy of this discovery plan and scheduling order
2 shall be served on any person served after it is entered or, if additional defendants should appear,
3 within five (5) days of their first appearance. This discovery plan and scheduling order shall apply
4 to such later appearing party, unless the Court, on motion and for good cause shown, orders
5 otherwise.

6 11. **Electronic Filing:** The attorneys of record in this matter are registered for
7 electronic filing with this Court. Any documents electronically filed with this Court are deemed to
8 be sufficiently served on the other party as of the date that the document is electronically filed with
9 the Court.

10 12. **Electronic Information:** The parties do not at this time anticipate any issues
11 about disclosures or discovery of electronically stored information, if any, including the form or
12 forms in which it should be produced. The parties shall meet and confer and otherwise work in
13 good faith with respect to the production of electronically stored information should any dispute
14 arise.

15 13. **Privileged or Protected Documents:** The parties do not know of any issues
16 regarding claims of privilege or protection that need to be specifically addressed at this time.

17 14. **Settlement:** In compliance with LR 26-1(b)(7), settlement has been considered
18 and discussed by the parties, as well as private mediation, as an alternative to the Court's early
19 neutral evaluation conference. Settlement cannot be evaluated at this time.

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